Provenance Record — Town of Middlebury, Vermont
Public Assemblage Ordinance: Adoption History and Public Records Act Correspondence, August 2026

Prepared August 27, 2026 by Donald C. Clark, Jr., author of "The People Have A Right" (Rutgers University Law Review, forthcoming), from three emails received from the Town of Middlebury. This record reproduces the substantive content of each exchange in date order. Internet routing headers and the author's personal signature block have been omitted; the original message files remain in the author's custody with the hashes listed in Part 4. The two draft ordinances transmitted with the August 26 email are deposited alongside this record exactly as received.

1. August 17, 2026 — adoption history (Town Manager, via the Town Clerk's office)

From	Melissa Wright, Town Clerk's Office <MWright@townofmiddlebury.org>
To	Donald Clark
Date	Monday, August 17, 2026, 15:48:30 UTC (11:48 a.m. EDT)
Subject	FW: Town Ordinance Inquiry

Ms. Wright's cover note:

> "Good Morning Donald, Karin is out of the office this week, but I sent your public records request to Mark Pruhenski, our Town Manager, please see his response below. He did advise that the selectboard is currently working on updating the ordinance, but the most current one is on our website. Melissa"

Forwarded message — From: Mark Pruhenski, Town Manager; Sent: Monday, August 17, 2026 11:42 AM; To: Melissa Wright; David Sophrin; Subject: RE: Town Ordinance Inquiry:

> "Hi Melissa, Here's the dates. ADOPTED AS DRAFT BY BOARD OF SELECTMEN - 25 JULY, 1972 PUBLIC HEARING HELD BY BOARD OF SELECTMEN - 8 AUGUST, 1972 FINAL ADOPTION BY BOARD OF SELECTMEN - 22 AUGUST, 1972 AMENDED - MARCH 9, 1993 EFFECTIVE - APRIL 18 1993 AMENDED - JUNE 25, 1996 AMENDED - MAY 25, 1999 EFFECTIVE - AUGUST 4, 1996 EFFECTIVE - JULY 4, 1999"

Below that, the chain carries Ms. Wright's 11:18 AM forward to Mr. Sophrin and Mr. Pruhenski ("I have forwarded your public records request for date information on the public assemblage ordinance to the manager's office"), the author's follow-up of August 17, 8:15 AM CDT to the Town Clerk ("I am following up on my request of one week ago. Please acknowledge receipt and advise as to the progress being made on responding to this request."), and the author's original inquiry of Monday, August 10, 2026, 3:41 PM to Karin Mott, Town Clerk:

> "Dear Ms. Mott, I am a retired attorney completing a law review article, to be published by the Rutgers Law Review, that surveys Vermont municipal ordinances governing public gatherings. The Town's instrument on my list is the Public Assemblage Ordinance, administered through the Manager's Office permit process. The Town's webpage describes the ordinance and application but does not state its adoption date. Could you kindly confirm the date the ordinance was adopted, along with the dates of any subsequent amendments or revisions? If it is convenient, I would also welcome a copy of the executed version as recorded in the Town's records, and I would of course be glad to cover any copying fee. Thank you for your help. Sincerely, Don"

2. August 18, 2026 — confirmation (Assistant Town Manager)

From	David Sophrin, Assistant Town Manager <dsophrin@townofmiddlebury.org>
To	Donald Clark
Cc	Melissa Wright; Karin Mott; Mark Pruhenski
Date	Tuesday, August 18, 2026, 15:58:06 UTC (11:58 a.m. EDT)
Subject	RE: Town Ordinance Inquiry

> "Donald, Good morning! My name is David Sophrin, and I am the Assistant Town Manager for the Town of Middlebury. Following up on your recent communication to our Town Clerk's Office and your question about origin of the Town of Middlebury's current Public Assemblage Ordinance, it appears that the current Ordinance was originally adopted by the Selectboard on 8.22.1972. It appears that is has been amended three times since then (4.18.1993, 8.4.1996, and 7.4.1999). If you open our Town Ordinance booklet on our Town website here [https://www.townofmiddlebury.org/government/selectboard/town_ordinances.php], you can jump to any specific Town ordinance and see the dates of adoption/amendment. (Just open up the link on that page, and it will take you to a large PDF listing the Town ordinances). If you have any further questions, please don't hesitate to let us know! Best, David Sophrin"

3. August 26, 2026 — Public Records Act production (Town Manager)

From	Mark Pruhenski, Town Manager <TownManager@townofmiddlebury.org>
To	Donald Clark
Cc	Karin Mott
Date	Wednesday, August 26, 2026, 20:51:05 UTC (4:51 p.m. EDT)
Subject	RE: EXTERNAL SENDER Public Records Request
Attachments	Town of Middlebury - Public Assemblies Ordinance (Draft Version) - 7.13.2026.pdf (188,501 bytes); Town of Mid

> "Good Afternoon Mr. Clark, Here (attached) are draft copies of our Public Assemblies and Special Events ordinances as requested. If approved, these will replace our current public assemblage ordinance that we provided in an earlier email. These have not yet been presented to our board for consideration but will be at some point soon. For future communications, please be sure to use townmanager@townofmiddlebury.org as my contact. I haven't received your prior communications using the manager@ email. Best, Mark"

The reply quotes the author's transmittal of Wednesday, August 26, 2026, 8:10 AM, to manager@townofmiddlebury.org, cc Karin Mott, subject "Public Records Request": "A public records request is attached. I thank you in advance for your timely response. -Don Clark". The request letter itself is retained in the author's custody and is not part of this deposit.

4. What the record establishes; integrity

(a) The Town of Middlebury Public Assemblage Ordinance was adopted as a draft July 25, 1972, heard August 8, 1972, and finally adopted by the Board of Selectmen August 22, 1972; amended March 9, 1993 (effective April 18, 1993), June 25, 1996 (effective August 4, 1996), and May 25, 1999 (effective July 4, 1999). (b) As of August 17, 2026 the Selectboard was working on updating the ordinance, and the text posted on the Town website was the current one. (c) On August 26,

2026 the Town produced two draft ordinances dated 7.13.2026 that, if approved, would replace the Public Assemblage Ordinance; as of that date they had not been presented to the Selectboard.

Original message files in author custody: FW__Town_Ordinance_Inquiry.eml (Aug. 17) 175,943 bytes, MD5 b7ad7a7c2416e504c70c76a82911e1bf; Town_Ordinance_Inquiry (1).eml (Aug. 18) 225,305 bytes, MD5 3c559a0919d2a8ddd045a5660c69eedd; EXTERNAL_SENDER_Public_Records_Request.eml (Aug. 26) 573,612 bytes, MD5 a574da702c4042d49413e523f4181491. Attachments as deposited: Public Assemblies Ordinance (Draft Version) 7.13.2026, MD5 efc1fff5380db63631e9ec720faaa2da; Special Events Ordinance (Final Draft Version) 7.13.2026, MD5 0d9433cbc9def2bb9185a16b769e0351.